

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT

IN RE:	:	CHAPTER 13
MARY ELLEN RICHARDSON	:	
MARY E. RICHARDSON	:	
MARY RICHARDSON	:	
THE RUSTY NAIL	:	
Debtor(s)	:	CASE NO. 5:14-bk-04849JJT
	:	
	:	
CHARLES J. DEHART, III	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs	:	
	:	
MARY ELLEN RICHARDSON	:	
MARY E. RICHARDSON	:	
MARY RICHARDSON	:	
THE RUSTY NAIL	:	MOTION TO DISMISS
Respondent(s)	:	

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha McHale, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on October 20, 2014
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates: March 04, 2015 June 10, 2015
July 06, 2016
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently two months in default with arrearages of 518.00 through September, 2016.

6. The non-payment of Debtor's plan obligation is
 - a. a material default with respect to the confirmed plan; and
 - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Respectfully submitted,

Charles J. DeHart, III
Standing Chapter 13 Trustee

/s/ Agatha McHale
Agatha McHale, Esquire
Attorney for Movant
8125 Adams Drive, Suite A
Hummelstown, PA 17036
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UNITED STATE BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

MARY ELLEN RICHARDSON

MARY E. RICHARDSON

MARY RICHARDSON

THE RUSTY NAIL

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CASE NO: 5-14-04849JJT

MOTION TO DISMISS

NOTICE TO PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely plan payments pursuant to the Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion.

Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

CONFERENCE before Trustee:

November 15, 2016, at 9:00 a.m.

U.S. Bankruptcy Court

Max Rosen U.S. Courthouse

197 S. Main St.

Wilkes Barre, PA

HEARING:

November 15, 2016, at 9:35 a.m.

U.S. Bankruptcy Court

Max Rosen U.S. Courthouse

197 S. Main St.

Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend this conference or the dismissal hearing unless one of the following takes place on or before: **November 08, 2016.**

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court in Harrisburg, PA, on or before November 08, 2016.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary dismissal with the U.S. Bankruptcy Court in Harrisburg, PA and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OF YOUR CASE. PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.

Any questions concerning plan arrearage should be directed to Trustee DeHart's office at (717) 566-6097, Monday - Friday, 9:00 a.m. to 4:00 p.m. Do not call the Bankruptcy Court, as the Court does not maintain records for debtor's payment status.

DATE: October 19, 2016

CHARLES J. DEHART, III, TRUSTEE

CERTIFICATE OF SERVICE

The Trustee, Charles J. DeHart, III, certifies that this NOTICE TO PARTIES IN INTEREST was served upon Debtor(s) and his/her counsel of record by depositing the same in the U.S. Mail, first class, postage prepaid on October 19, 2016, unless notified electronically.

MARY ELLEN RICHARDSON
MARY E. RICHARDSON
MARY RICHARDSON
THE RUSTY NAIL
1605 ROOSEVELT AVE.
DUNMORE, PA 18512
(Debtors)

TULLIO DeLUCA, ESQUIRE
381 NORTH 9TH AVENUE
SCRANTON, PA 18504-
(Attorney for Debtors)

RESPECTFULLY SUBMITTED,

/s/Liz Joyce
Liz Joyce
For Charles J. DeHart, III,
Standing Chapter 13 Trustee

